An Act to incorporate the city of Dallas, in Dallas County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the inhabitants of the city of Dallas shall be a body politic and corporate, by the name and style of the "City of Dallas," and as such, by that name, they and their successors shall be known in Law, and be capable of contracting and being contracted with, of suing and being sued, and defending in all Courts and all actions and matters whatsoever; may purchase and hold real and personal property, and dispose of the same for the benefit of the said City; and may have and use a corporate seal, and alter and change the same at pleasure.

Section 2. That the bounds and limits of the said corporation shall be as follows, to wit: Beginning at a point on the east bank of the Trinity river, at low water mark, directly opposite (westward) from the Centre of the Court house square; running thence east, parallel with Main street, one and one-half miles; thence north, parallel with Jefferson street, three-fourths of one mile; thence west, parallel with Main street to said Trinity river; thence down said river with the meanderings thereof to the place of beginning; thence east, along the line first described, one and one-half miles; thence South, parallel with Jefferson Street three-fourths of one mile; thence west, parallel with Main street, to said Trinity river; thence up said river with the meanderings thereof to the place of beginning; provided, that the said limits of said corporation may be hereafter extended by adding additional territory to the same whensoever the majority of the inhabitants of said territory shall indicate a desire to be included within the limits of said corporation.

Section 3. That no person shall be a qualified voter at any election for officers of said corporation unless he possess the qualifications of a citizen of this State, and have resided within the chartered

limits of the corporation of said city, six months next preceding the election.

Section 4. That no person shall be eligible to the office of Alderman of the said city, who at the time of his election does not possess the qualifications of an elector, and has not resided in the said city twelve months next preceding.

Section 5. That no person shall be eligible to the office of Mayor of said city, unless he possess the qualifications of an alderman.

Section 6. That the city authorities are authorized to divide the city into a convenient number of wards, not exceeding eight, and to fix and define the boundaries thereof.

Section 7. That the officers heretofore appointed by the Governor as mayor and aldermen for the said city of Dallas, and who are now acting as such shall continue to hold their offices, respectively, until the next general election in this State at which election the qualified voters of said corporation shall elect a Mayor, Marshall, and assessor and Collector, who shall hold their offices for the term of one year, and until their successors shall be elected and qualified.

Section 8. That at the said election mentioned in the preceding section there, shall also be elected as therein provided, two aldermen from each ward, one of whom shall hold the office for the term of one year, and the other for the term of two years; and immediately after their being qualified, the aldermen so elected from each ward shall determine by lot, who shall hold for the long term; and at every annual election thereafter one alderman shall be elected from each ward who shall hold the office for the term of two years.

Section 9. That the Mayor and aldermen shall constitute the city Council over which the mayor shall preside, when present, and in case of a tie in the vote of the board, he shall give the casting vote.

Section 10. That the city Council shall have power to regulate the manner and time of holding and conducting elections not incon-

sistent with the laws and Constitution of the State, and shall be the judge of the elections of the officers of said Corporation.
Section 11. That the officers of said Corporation, before they enter upon the discharge of their duties, shall take and subscribe the oath of office required by the Constitution of the State, which may be taken before any officer legally authorized to administer oaths.
Section 12. That the Council shall determine the time of their stated meetings, and they may meet at any other time that the Mayor shall, in his discretion, call them together, or any three members of the board of aldermen shall deem necessary. A majority of the whole number of aldermen elected and qualified, and such a number with or without the Mayor shall constitute a quorum for the transaction of business. Each member of said board shall receive, for each regular meeting he shall attend, the sum of two dollars; and fifty cents for each called meeting; and any member of said Council who shall fail to attend a regular meeting shall, for each and every such failure be fined two dollars, unless prevented from attending by sickness of himself or in his family, or absence out of the County.
Section 13. That, in future, the sittings or assemblies of the City Council of Dallas shall be public, except when, at the request of two-thirds of the members present in said Council, the said Council shall deem it necessary to deliberate with closed doors.
Section 14. That, in future, neither the Mayor, Marshall, nor any of the aldermen then in office shall be allowed, either in his or her own name, or through the medium of other persons, to become the lessee or bidder for any branch of the revenue of the City, nor for any work or undertaking whatsoever, which may be authorized or ordered by the Corporation of said City.
Section 15. That in case of the inability of the Mayor of the City of Dallas to perform his duties, by reason of absence, refusal, or other causes, or in the event of a vacancy in said office occasioned by death, resignation or otherwise, the board of aldermen of said City may be, and they are hereby authorized and empowered

to appoint from their own body a presiding officer, who shall be mayor pro tempore, and shall have and may exercise all the powers conferred by law on the mayor, and shall perform all the duties of mayor until his return, or the removal of such inability, or until a successor is elected and qualified; provided, that in case of a vacancy in said office, the city council may order an election upon ten days' notice to fill such vacancy for the unexpired time.

Section 16. That whenever any order, resolution, by-law, or ordinance may be passed by the council, and is disagreed to by the mayor, it shall be inoperative, unless the same shall be passed by a vote of a majority of the whole number of aldermen, taken by yeas and nays, and recorded upon the journal of their proceedings.

Section 17. That in case of vacancy in the office of alderman, assessor and collector, marshal, or other subordinate office, the mayor may order an election to fill the same, first giving ten days' notice thereof, and the person so elected shall hold his office for the unexpired term.

Section 18. That the city council shall elect a secretary, and treasurer, and city attorney, and such other subordinate officers as may be necessary for preserving the peace and well ordering of the affairs of the said corporation, and shall prescribe their duties, fees, and term of office.

Section 19. That the city council shall have power to remove any officer of the said corporation for any neglect, misdemeanor or malfeasance in office, by a vote of three-fourths of the whole number of aldermen elected and qualified.

Section 20. That the city council shall require such officers as they may see proper, to execute bonds payable to the corporation, for the faithful discharge of the duties and trusts incumbent upon them, in such amounts as it may deem necessary, with security, to be approved by the council.

Section 21. That the mayor of the said city shall be chief executive magistrate thereof, and as such shall be vigilant and active in causing the laws, ordinances and regulations of the city, not inconsistent with the laws of the land, to be executed and enforced. He shall take

instant measures for the quelling of all riots and disorders and the dispersion of all unlawful assemblages of persons in said city. He shall also be the chief judicial magistrate thereof, and as such shall constitute a court vested with all the powers and jurisdiction, civil and criminal within the said corporate limits that are conferred upon justices of the peace, shall have power to punish all contempts and shall have cognizance of all misdemeanors, breaches of the peace, infractions of the ordinances and all other cases arising under the laws of said city, and shall be deemed always open for the trial of said causes, and in prosecutions trials and proceedings had before him under this act, he shall be governed by the laws regulating the proceedings in justices' courts in force at the time, and shall be entitled to the same fees, that justices of the peace, are allowed for similar services and to such additional compensation as may be allowed by the by-laws and ordinances of the corporation.

Sec 22. That all process, from the Mayor may be directed to and executed by the Sheriff or any Constable of the County, or the City Marshall in the same manner, that similar process from justices of the peace is executed.

Sec 23. That it shall be the duty of the City Council to cause the Secretary and Treasurer thereof, to make out under oath and return to the Council semi-annually or oftener if deemed by the Council to be for the best interest of the City, an accurate, detailed, and just statement of the receipts and expenditures and condition of the treasury of said body politic, which shall be published in some newspaper published in the City of Lacon.

Sec 24 That should the Secretary or Treasurer of said Corporation refuse to account as directed by this act he shall pay a fine of five hundred dollars. Said fine to be recovered on motion before the District Court by the District Attorney or his assistant, ten days notice of which shall be given to the said Treasurer, or Secretary, as the case may be. and it is hereby made the duty of the District Attorney to enquire and see that the provisions of this act are faithfully fulfilled, and proceed, as the case may require.

Sec 25th That in order the more effectually to enforce the ordinances,

of the said city; the said council shall, upon the violation thereof, impose such fines and penalties not exceeding one hundred dollars, to be appropriated to the use and benefit of said city; and such imprisonment, not exceeding fifteen days, to be collected and inflicted through the city court herein before provided as they may deem necessary and proper, and all prosecutions therefor shall be in the name of the "city of Dallas," and upon conviction, the defendant shall stand committed until the fine and costs of said prosecution be paid or replevied.

Section 26. That the city council of Dallas shall have power to appropriate so much of the revenues of the city emanating from whatever source, to the improvement of the public market, and streets within the limits of the corporation as they in their wisdom may from time to time deem expedient.

Section 27. That the city council of the said city of Dallas shall have full power and authority to make and pass such by-laws or ordinances as they shall deem necessary for their own government and to preserve the peace, cleanliness, comfort and salubrity of said city; to secure the safety and convenience of passing in the streets, alleys, squares and other public ways; to determine the width of, and to open streets, and to prevent any encroachment or other undertaking on the said streets, ~~at the cost of the proprietors~~ or way; to direct the construction, maintenance, and repairs of sidewalks in the said streets, at the cost of the proprietors of neighboring houses and lots, and to determine the dimensions thereof; to establish rules and regulations in relation to partition walls and fences; to organize a fire department, and to regulate the same; and to pass such other laws as may be deemed necessary for the prevention and extinguishment of fires; to establish a city police and to regulate the same; to provide for the lighting of streets; to establish one or more market places, and to provide for the inspection of all comestibles offered for sale therein or elsewhere, and otherwise to regulate the same; to prevent forestalling and regrating and to punish the same; to establish and enforce by suitable penalties the proper weights and

necessaries; to regulate everything which relates to bakers, butchers, tavern-keepers and other persons keeping public houses, beer-saloons, or grog shops, draymen, hack-drivers, horse drivers, water carriers, and persons employed as day laborers; to prevent the establishment within the said city of houses of ill-fame, or any other place of resort for gambling or other vicious purposes; to permit or forbid theatres, balls and other public amusements, to cause the playhouses and other places for shows or exhibitions to be closed whenever the preservation of order, tranquility, or public safety shall require it; also to close dram-shops and drinking saloons, whenever necessary or expedient; to define and suppress nuisances; to establish hospitals for the accommodation of destitute sick persons, poor houses for the infirm and indigent, and work houses for the confinement of common beggars, vagrants, and other idle and vicious persons; and to pass such laws, and appoint such officers as they may deem necessary for the due management thereof; to provide places for the storing of powder, and the burying of the dead; and generally, to do all such other acts, and to pass such ordinances, not inconsistent with the constitution and laws of this state or the United States, as may conduce to the welfare of said city; provided, that no ordinance, law, or by-law, passed in pursuance of this act shall go into effect until ten days after the same shall have been published in one of the newspapers of the city, unless in the opinion of two-thirds of said board the emergency may be such as to require a departure from this rule; provided also, that said council shall not have the power of fixing the price of any article sold in the market or other places.

Section 28. That the city council, by a vote of a majority of the whole number of aldermen, taken by yeas and nays, and entered upon their journal, shall have power to assess, tax and license hawkers, peddlers, shows and amusements, billiard tables, nine and ten pin alleys, public drays and wagons, omnibusses and carriages, grog-shops tippling houses, and dram shops,

beer saloons, whether for the sale of domestic beers and liquors, and occupations not specially mentioned herein, as may be taxed by the laws of the State, and to suppress all gaming houses and all disorderly houses by whatever name or description known.

Section 29. That the city council, by a vote of a majority of the whole number of the aldermen, taken by yeas and nays, and entered upon their journal, may levy, assess and collect an annual direct tax upon all property, real and personal, situate and being within the limits of the corporation not exceeding four-tenths of one per centum ad valorem; and upon all merchants, traders and fabricators, who purchase and introduce stocks of goods for sale, or material to be converted into articles of trade or sale, not exceeding three-tenths of one per cent. upon the actual cost of such goods or articles at the time of their receipt; and it shall be the duty of the assessor and collector of taxes to call upon all such merchants, traders and mechanics at least once in three months for a list of said stocks; also a poll tax of one dollar upon each and every ~~person~~ male person within the limits of the corporation over the age of twenty-one years.

Section 30. That every person or persons on whom or whose vocation a license tax may have been assessed, shall before engaging in such vocation, pay to the city assessor and collector the amount of such tax, taking his receipt therefor, which receipt shall entitle him, her or them to a corresponding license, to be issued by the mayor. If any person or persons shall engage in any vocation within the limits of the city on whom or on whose vocation a license tax had been assessed by the city council without ~~first obtaining~~ having first obtained a license therefor from the mayor, such person or persons shall be liable to pay one-fourth of the amount of such annual license tax, for each week he, she or they may be so engaged, and in the same proportion for each day, which may be recovered by action before the mayor or any justice of the peace, or the district court according to the amount, for the benefit of the city.

Section 31. That the assessor and collector of the city shall make up the assessments of all property taxed by the city, and collect the taxes of

every kind as they shall become due and ~~owing~~ owing, and generally perform all such duties in relation to city taxes as are required of the State assessor and collector in regard to the State and county taxes, under such forms and regulations, and shall receive such compensation as the council may prescribe, and shall pay over to the treasurer every month the moneys which he shall have received and make a report thereof to the board of aldermen, at their first regular meeting in every quarter. All assessments of property shall be made under oath by the party returning the same. If the appraisement be unsatisfactory to the assessor it shall be referred to a board of three commissioners, being owners of real estate in the city, to the value of two thousand dollars, and entirely disconnected with the administration of the city, who shall be appointed by the council and whose decision shall be final; the same commissioners shall assess the value of all property whose owners are unknown or which may not have been returned and shall receive for their services such remuneration not being a per centage, as the council shall think proper.

Section 32. That the marshal shall be the chief constable of the said city; and shall, either in person or by one of his deputies, attend upon the court of the mayor while the said court may be in session, and shall faithfully execute all process issued from the said court, and directed to him. He shall be active in quelling riots, disorders and disturbances of the peace within the limits of said city, and shall take into custody all persons so offending against the peace of the community and him, her or them, have, before the court of the mayor, if in session; if the said court be not then in session, the said marshal shall commit the person or persons so offending to the city jail, there to be securely kept in custody until the said court shall be in session, when he, she or they shall forthwith be taken before the said court, there to be fined and punished according to the laws of the city and the sound discretion of the court; provided, that said marshal may at his discretion, take suitable and sufficient bail for the appearance before the said

Court of the Mayor, of any person charged with an offense against the ordinances or laws of the city - being himself responsible for the appearance of said accused. The said Marshal, for the more efficient discharge of his duties, may appoint one or more deputies who shall have the same powers and perform the same duties as the Marshal has or should perform, the said Marshal being responsible for the faithful performance of their duties by his said deputies; and for his services the Marshal shall receive the same fees as the Sheriff of the County does by law receive for like services, and such other compensation, if necessary, as the council may deem sufficient.

Section 33. That after the expiration of the time prescribed by law, for the payment of city taxes, the assessor and collector for the city, or such officer as the city - Council may charge therewith, may proceed to seize upon any property, real or personal, the tax of which has not been paid, or that belongs to a delinquent tax payer, and after advertising the same in some newspaper published in the city of Dallas, or by posting at three public places in said city; if there be no newspaper published as aforesaid, for twenty days specifying the time and place of sale, may sell at the Court house door of Dallas County, to the highest bidder for cash, so much of said property as will pay the taxes thereon or may be due from such delinquent, as the case may be, together with the costs of advertising and selling, unless the taxes and costs be paid before the day of sale; provided, that all sales of real estate shall be made at the Court-house door, and in the second Tuesday of the month, as other lands are sold under execution; and should the property so sold bring a greater amount than shall be necessary to pay the said taxes and costs, the overplus shall be deposited in the Treasury, subject to the order of such delinquent. If such sales should not be completed on the day appointed, the assessor and collector may adjourn the sales from day to day, until they are all completed.

Section 34. That at the conclusion of the sales, and on compliance

with the terms thereof by a purchaser, the assessor and collector shall give to such purchaser a certificate of purchase, stating the amount of tax and costs paid, and describing the property sold, which shall entitle the purchaser to a deed for said property, at the expiration of twelve months, from the mayor of the city; but such certificate may be redeemed within one year from the day of sale, by the owner of the property sold, or some person for him, by payment of double the amount of tax and costs paid by the holder, which payment may be made either to the city treasurer, for the use of the holder of such certificate, or to the holder of such certificate.

Section 35. That if any certificate of purchase given as before provided, be not redeemed within one year from the day of sale, then the holder may demand, and it shall be the duty of the mayor of the city to give a deed to such holder conveying all the right and interest of the person in whose name the property is sold, and of the owner in case of unknown or non-resident owners, in and to the property specified in the certificate, and on the production and delivery of the certificate to him, such deed shall be signed by the mayor in his official capacity, and countersigned by the secretary of the council under the city seal.

Section 36. That the city of Dallas shall not be held responsible on any implied warranty or for any damages under any deed or sale made for taxes, but the person injured by any neglect or malfeasance of any officer, shall have recourse against him for any damages sustained in consequence thereof.

Section 37. That any tax made as required by this act, shall be primâ facie evidence that all the pre-requisites of the law have been complied with, and shall pass all the right of the person owning the property conveyed, unless it can be proven that the tax thereon had been paid before the sale or the certificate of sale redeemed within the year aforesaid.

Section 38. That the assessor and collector shall, after his sales, make returns to the council of all property sold and the names

of the purchasers of each parcel of property to whom certificate of purchase may be issued, which returns shall be preserved among the archives of the city.

Section 39. That the said mayor and marshal and his deputies are hereby fully authorized and empowered to call to their aid the assistance of any person resident in the said city whenever in the discharge of their several duties, in cases of riot, disorder, breach of the peace or resistance to their lawful authority, they may need the same; and any person or persons who shall, when so called upon, neglect or refuse to render his assistance, shall, on conviction thereof in the Court of the mayor, be liable to such fine not exceeding one hundred dollars and such imprisonment, not exceeding ten days, as the said Court shall, in its sound discretion impose.

Section 40. That all laws and parts of laws conflicting with the provisions of the foregoing charter be and the same are hereby repealed; and that this act take effect and be in force from and after its passage.

Approved April 20. 1871

State Department
Austin Texas } I, James P. Newcomb Secretary of State, for the State of Texas, do hereby certify that the foregoing is a true and correct copy of the original enrolled bill on file in my office.

Witness my hand, and official seal, at office in the city of Austin, this 9th day of May A. D. 1871, and of the Independence of Texas the Thirty-sixth.

James P. Newcomb
Secretary of State.

1871
City Charter

apl. 20th/71